

REMARKS

The Final Office Action mailed March 13, 2007 has been received and reviewed. Claims 1-6 and 8-20 are pending. Claims 1-6, 8 and 9 are indicated as being otherwise allowable if amended to overcome the rejections raised under 35 U.S.C. § 112. Claim 1 is amended according. Claims 10-20 remain rejected in view of cited references. Claim 10 is amended to clarify the structure of the claimed invention, but the amendment does not modify that which was previously claimed. Therefore, the amendments do not require additional searching and entry of the clarifying amendments is appropriate.

Rejection Of Claims 1-6, 8 and 9 Under 35 U.S.C. § 112

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 is amended to overcome the rejection. The Applicants note with respect to the recitation of "top surface" in line 13 of claim 1 that the prepositional phrase "of the adjoining section" following "top surface" clearly defines which "top section" is being recited.

Rejection Of Claims 10-20 Under 35 U.S.C. § 103

Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foss in view of Austin (USP 5,915,723). The Examiner states that Foss teaches the claimed elements, except for teaching a locking device (90, 94) that allows positioning (of the handle) at a non-perpendicular angle. The Examiner states that Austin discloses a cart having a handle which is positionable with respect to the cart at various angles through the use of a locking device, and that it would have been obvious to provide the locking device of Foss with the variable angle devices taught by Austin.

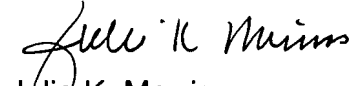
The Applicants traverse the rejection and reiterate the arguments previously made. Specifically, Austin teaches a handle that while adjustable to variable angles is distanced from what would be the bed of the cart as claimed (notably, the Austin device

has no bed, only a frame 38). Foss teaches a handle that is connected adjacent the bed, as now clarified in amended claim 10, but, as previously noted, the Foss device has a tube 277 which acts as a stop to prevent the handle of Foss from being positioned at a non-perpendicular angle to the bed section when in a non-collapsed state as claimed. The Examiner states in his response to the Applicants' previous arguments that FIG. 4 of the Foss disclosure shows in phantom lines positions of the handle which are at a non-perpendicular angle to the bed. However, those non-perpendicular positions of the handle shown in phantom in FIG. 4 of Foss illustrate how the handle is positionable in a collapsed state. Claim 10 requires a non-perpendicular angle of the terminal end of the handle assembly when in a non-collapsed state. The Applicants repeat the prior argument that Austin cannot be combined with Foss to provide a positioning of the terminal end of the handle assembly at a non-perpendicular angle to the bed when in a non-collapsed state because Foss is structured to expressly prevent such positioning of the handle assembly when in a non-collapsed state. Claims 10-20 are not obviated by Foss or Austin.

CONCLUSION

In view of the amendments and arguments presented, the Applicants submit that claims 1-6 and 8-20 present patentable subject matter. Reconsideration and full allowance of all claims are respectfully requested.

Respectfully submitted,



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